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TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [IZ](#)  
SUBJECT: IRAQ -- 2009 TIP REPORT: PRESS GUIDANCE AND  
DEMARCHE

REF: A. STATE 59732  
[B. STATE 005577](#)

¶1. This is an action cable; see paras 5 through 7 and 10.

¶2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

¶3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Iraq of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Iraq and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/not precede the Secretary's release at 10:00 am EDT on June 16.

¶4. The entire TIP Report will be available on-line at [www.state.gov/g/tip](http://www.state.gov/g/tip) shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

¶5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Iraq of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

¶6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be

judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Iraq's country narrative in the 2009 TIP Report:

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IRAQ (Tier 2 Watch List)  
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Iraq is both a source and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and involuntary servitude. Iraqi women and girls, some as young as 11 years old, are trafficked within the country and abroad to Syria, Lebanon, Jordan, Kuwait, UAE, Turkey, Iran, and possibly Yemen, for forced prostitution and sexual exploitation within households in these countries. Some victims are sexually exploited in Iraq before being sold to traffickers who take them abroad. In some cases, women are lured into sexual exploitation through false promises of work. The more prevalent means of becoming a victim is through sale or forced marriage. Family members have trafficked girls and women to escape desperate economic circumstances, to pay debts, or resolve disputes between families. Some women and girls are trafficked within Iraq for the purpose of sexual exploitation through the traditional institution of temporary marriages (muta'a). Under this arrangement, the family receives a dowry from the husband and the marriage is terminated after a specified period. When trafficked by persons other than family members, women can be placed at risk of honor killings if their families learn that they have been raped or forced into prostitution. Anecdotal reports tell of desperate Iraqi families abandoning their children at the Syrian border with the expectation that traffickers on the Syrian side will pick them up and arrange forged documents so the young women and girls can stay in Syria in exchange for working in a nightclub or brothel.

Iraqi boys, mostly from poor families of Turkmen and Kurdish origin, are trafficked within Iraq for the purpose of forced labor, such as street begging and sexual exploitation. Iraqi men and boys who migrate abroad for economic reasons may become victims of trafficking. Women from Ethiopia, Indonesia, Nepal, and the Philippines are trafficked into the area under the jurisdiction of the Kurdistan Regional Government (KRG) for involuntary domestic servitude after being promised different jobs. Over the past year, there was a credible report of women trafficked by the director of a women's shelter in KRG area; the shelter was subsequently closed. There were also reports that some foreign women recruited for work in beauty salons in the KRG area had debts imposed on them and were coerced into prostitution. During 2008, dozens of Indonesian women trafficked to Iraq were trapped without assistance from law enforcement authorities. IOM helped to rescue and repatriate several of these women.

Iraq is a destination for men trafficked from Bangladesh, India, Pakistan, Indonesia, Nepal, Philippines, Sri Lanka, and Thailand for involuntary servitude as construction workers, security guards, cleaners, and handymen. There are reports that some workers were recruited by a labor broker to work for contractors or sub-contractors of U.S. Government agencies, but the services of this broker were discontinued subsequent to a U.S. government investigation. The governments of India, Pakistan, Sri Lanka, Thailand, and the Philippines ban their nationals from working in Iraq. These bans are not effective, however, as some laborers circumvent

the law or are deceived by labor brokers in their home countries into believing they were getting jobs in one of the Gulf states or Jordan. They then find themselves in Iraq; their passports are confiscated and wages withheld to repay the broker for recruitment, transport, and costs of living. Others are aware they are coming to Iraq, but once in-country find that the terms of employment are not what they expected and they face coercion and serious harm financial or otherwise if they attempt to leave.

Men brought to Iraq by labor recruiters, some of whom reportedly provided labor for U.S. government contractors, at times found upon arrival that the jobs they expected were contingent on contracts that had not yet been awarded. While in camps awaiting work, they were sometimes charged exorbitant prices for lodging and supplies, which increased their debts and prolonged the time required to pay them, typically ranging from six months to one year. Some of these conditions may constitute human trafficking.

Traffickers are predominantly male, but sometimes female family members traffic their own children or relatives. Traffickers include both large crime groups and small, family-based groups, as well as businesses such as employment agencies. Several factors contribute to human trafficking in, into, and out of Iraq. Since the ousting of the former regime in 2003, reconstruction activity and provision of goods and services contracted by the government and the Multi-National Forces have drawn foreign workers (some 30-50,000). Instability and violence have made as many as four million Iraqis refugees in neighboring countries or internally displaced, many of them in economically desperate circumstances. Finally, foreign workers are drawn to the KRG by relative stability, economic opportunity, and higher salaries compared to those at home.

The Government of Iraq does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In particular, despite the serious security challenges facing the government, it is committed to enacting comprehensive anti-human trafficking legislation, which it began to draft during the past year. Despite these overall significant efforts, the government did not show progress over the last year in punishing trafficking offenses using existing laws or identifying and protecting victims of trafficking. During the reporting period, the government's attention was devoted to other priorities, specifically, political reconciliation, restoration of security throughout the country, and economic reconstruction.

The Iraqi government did not take adequate action to monitor or combat trafficking in persons. Notwithstanding the inattention to trafficking in the past year, some Iraqi officials have begun to recognize the problem, and the Legal Advisor's Office of the Council of Ministers Secretariat has begun to draft comprehensive anti-trafficking legislation.

**Recommendations for Iraq:** Enact and implement a law that criminalizes all forms of trafficking; investigate, prosecute, and punish trafficking offenders; provide protection services to victims, ensure that they are not punished for acts committed as a direct result of being trafficked, and encourage their assistance in prosecuting offenders; train officials in methods to identify victims; undertake a campaign to raise public awareness of trafficking; take measures to screen migrant workers to identify human trafficking; take steps to end the practice of forced marriages and curb the use of temporary marriages that force girls into sexual and domestic servitude; consider measures to reduce abuse of migrant workers who learn upon arrival in Iraq that the job they were promised does not exist; and regulate recruitment practices, including recruitment fees, of foreign labor brokers to prevent practices that facilitate forced labor.

#### **Prosecution**

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The government did not prosecute trafficking cases in the past year. There were no mechanisms to collect data on

offenses or enforcement. Although no single law defines trafficking in persons or establishes it as a criminal offense, various provisions of Iraqi law apply to trafficking. The 2005 Iraqi Constitution prohibits forced labor, slavery, slave trade, trafficking in women or children, and sex trade. Several provisions of the Penal Code, dating from 1969, criminalize unlawful seizure, kidnapping, and detention by force or deception. The prescribed penalty is up to 7 years in prison and up to 15 years if the victim is a minor and force is used. The penalty for sexual assault or forced prostitution of a child is 10 years, imprisonment, which is sufficiently stringent to deter, though not commensurate with the penalties prescribed for rape (15 years in prison). Because coercion is not a legal defense, however, women who have been trafficked into prostitution have been prosecuted and convicted. When women or girls are trafficked by family members into sexual exploitation, the crime often goes unreported because of the shame involved, or uninvestigated because of the courts, reluctance to intervene in what are considered internal family matters. There is anecdotal evidence of occasional complicity in trafficking by officials. An investigation of alleged trafficking involving the director of a women's shelter in the KRG area had not been completed at the time of this Report.

#### Protection

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The Iraqi government did not provide protection to victims of trafficking during the reporting period. The government did not operate shelters for trafficking victims, nor offer legal, medical, or psychological services. An NGO operated a shelter in Baghdad for women and girls who were victims of violence, although it is not known whether any of the people assisted were trafficking victims. Six shelters for abused women and girls in the KRG areas received some support from the regional government. A few NGOs provided legal assistance, counseling, and rehabilitation assistance to trafficking victims. Iraq did not have formal procedures to identify victims of trafficking among vulnerable groups, such as women arrested for prostitution or the foreign workers imported to Iraq by labor brokers, some of whom reportedly provided workers for U.S. Government contractors and sub-contractors. About half of the 1,000 men from Bangladesh, India, Nepal, Pakistan, Philippines, and Sri Lanka men found in December 2008 living for months in squalid conditions in camps near Baghdad International Airport were repatriated with the assistance of the IOM; most of the rest found jobs in Iraq. The government was not involved in investigating the abuses or repatriating the men. Victims of trafficking reportedly were prosecuted for prostitution. There were documented cases of female victims being kept in protective custody<sup>8</sup> in detention centers to deter violence against them by their families and traffickers. Abused children were typically placed in women's or juvenile prisons. Since trafficking is not established as a crime in Iraq, the government did not encourage victims to assist in investigations or prosecutions of trafficking. Foreign victims had no legal protection against removal to countries in which they may face hardship or retribution. There was no victims' restitution program. The draft law would establish a framework for assisting victims of trafficking. It specifies the ways the government is obligated to assist victims, including by providing medical care and legal counseling. The law also stipulates that victims must be provided with shelter appropriate to their sex and age group, physical and mental rehabilitation, and educational and job training opportunities. As for foreign trafficking victims, the law requires that the authorities provide them with language and legal assistance and facilitate their repatriation.

#### Prevention

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The Government of Iraq did not take measures to prevent trafficking in persons this reporting period, although some government officials have acknowledged that human trafficking is a problem. In March 2009, a few Iraqi officials attended

training offered by an NGO in drafting effective anti-trafficking legislation. Local governments have held the view that trafficking is not a problem within their jurisdictions. A KRG parliamentarian told the press in August that there was no trafficking of women in the KRG area. The KRG Minister for Social Welfare did, however, call a high-level internal KRG meeting to look at the problem. The government does not sponsor any anti-trafficking campaigns. Although the Ministry of Human Rights and the Ministry of State for Women's Affairs have in the past expressed interest in running such a campaign, both lack funds and staffing. The Minister of State for Women's Affairs in February 2009 resigned over this lack of basic support; the ministry is now being led by an acting minister.

The government did not provide any specialized training for government officials to identify trafficking victims. Law enforcement officials did not screen people leaving or entering Iraq for evidence of trafficking. The borders of Iraq remained generally unsecured, with limited presence by understaffed law enforcement officials outside of designated border crossings. The large numbers of internally displaced persons and refugees moving within Iraq and across its borders compounded the difficulty of identifying trafficking victims. Iraq has not ratified the 2000 UN TIP Protocol.

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¶9. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, any countries determined to be country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1 ) or if they have been

placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 13. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website [www.state.gov/g/tip](http://www.state.gov/g/tip).

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for

translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why was Iraq placed on the TIP Report in 2009? Why was it ranked Tier 2 Watch List?

A: Iraq had been placed in the &Special Cases8 category of past Trafficking in Persons report because the determination had been made that Iraq was in political transition. This year, the determination was made that Iraq should be ranked with other countries. Iraq was placed on Tier 2 Watch List because it did not show evidence of progress in prosecuting human trafficking offenses, punishing trafficking offenses using existing laws, and identifying and protecting victims of trafficking. The government's attention was devoted to other priorities, specifically, political reconciliation, restoration of security throughout the country, and economic reconstruction. The Iraqi government did not provide adequate protection to victims of trafficking during the reporting period. The government did not operate shelters for trafficking victims, nor offer legal, medical, or psychological services.

Q2: What progress has Iraq made during the last year in combating trafficking?

A: Iraq is committed to enacting comprehensive anti-human trafficking legislation, which was drafted during the past year by the Legal Advisor's Office of the Council of Ministers Secretariat.

Q3: What can Iraq do to further the fight against trafficking in persons?

A: The Iraq government could: Enact and implement a law that criminalizes all forms of TIP; investigate, prosecute, and punish offenders; furnish protection services to victims, ensure that they are not punished for acts committed as a result of being trafficked, and facilitate their assistance to prosecute offenders; train officials in the law and in methods to identify victims; undertake a campaign to raise public awareness of trafficking; establish control over the flow of migrant workers brought into Iraq and effectively screen them to identify indicators of human trafficking; eliminate de jure and de facto discriminatory practices against women and girls that make them vulnerable to becoming victims of trafficking; curtail pooling of labor by requiring that persons entering Iraq for employment have a specific job offer; and regulate fees for brokers of foreign labor.

¶12. The Department appreciates posts, assistance with the preceding action requests.

CLINTON